

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
MARCO FERREIRA and MAGNA FERREIRA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Civ. No. _____
MORTGAGE ELECTRONIC REGISTRATION	)	
SYSTEMS, INC., and SAXON MORTGAGE	)	
SERVICES, INC.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the District of  
Massachusetts

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendants Mortgage Electronic Registration Systems, Inc. (“MERS”) and Saxon Mortgage Services, Inc. (“Saxon”) (collectively, “Defendants”) hereby remove the action captioned Marco Ferreira v. Mortgage Electronic Registration Systems, Inc., et. al., NOCV2009-01398, now pending in the Massachusetts Superior Court, Norfolk County, to the United States District Court for the District of Massachusetts. In so doing, Defendants state the following:

1. The plaintiffs, Marco and Magna Ferreira (the “Ferreiras”), filed an action in Massachusetts Superior Court, Norfolk County, on or about August 12, 2009. The Ferreiras moved for and obtained an *ex parte* temporary restraining order prohibiting Defendants from proceeding with the foreclosure of their property. A hearing on the Ferreiras’ motion for a preliminary injunction was scheduled for August 20, 2009, but has now been moved to early September (date to be determined) in response to a motion submitted by MERS’ predecessor

counsel. Upon information and belief, no other proceedings have occurred. A copy of all papers served on Defendants are attached hereto as **Exhibit A.**

2. In their five-count complaint, the Ferreiras allege that MERS and Saxon committed violations of certain state laws with regard to the origination of their mortgage loan. They seek to quiet title to their property, a declaration that they have exercised their right to rescind, and monetary damages in the amount of \$423,000. *See* Exhibit A, Civil Action Cover Sheet.

3. The Ferreiras identify themselves as residents of Massachusetts. *See* Exhibit A, Complaint, ¶¶ 1-2. They state that MERS is a Delaware corporation with a principal place of business located at 1818 Library Street, Suite 300, Reston, Virginia. *Id.*, ¶ 3. Saxon is identified as a Texas corporation with a principal place of business located at 4708 Mercantile Drive North, Fort Worth, Texas. *Id.*, ¶ 4.

4. As a result, this Court has original subject matter jurisdiction over this action on the basis of 28 U.S.C. § 1332, as there is complete diversity of citizenship between the Ferreiras and Defendants, and because the matter in controversy exceeds \$75,000.

5. Pursuant to 28 U.S.C. § 1446, Defendants' notice of removal is timely as it is filed within thirty (30) days of receipt of the complaint.

6. Pursuant to 28 U.S.C. § 1446, a copy of this Notice of Removal is being filed with the Massachusetts Superior Court.

7. Pursuant to Local Rule 81.1, Defendants will file certified or attested to copies of all papers that have been filed in Superior Court.

**WHEREFORE**, Defendants respectfully request that the above action now pending against them in the Norfolk County Superior Court in the Commonwealth of Massachusetts be removed therefrom to this Court.

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. and SAXON MORTGAGE  
SERVICES, INC.

By their attorneys,

/s/ Joseph Calandrelli

Richard E. Briansky, BBO# 632709

[rbriansky@princelobel.com](mailto:rbriansky@princelobel.com)

Joseph P. Calandrelli, BBO# 666128

[jcalandrelli@princelobel.com](mailto:jcalandrelli@princelobel.com)

**PRINCE, LOBEL, GLOVSKY & TYE LLP**

100 Cambridge Street, Suite 2200

Boston, MA 02114

Tel: 617.456.8000

Dated: August 20, 2009

**CERTIFICATE OF SERVICE**

I, Joseph Calandrelli, certify that a true and accurate copy of the foregoing document was filed through the Court's ECF system this 20th day of August, 2009. I further certify that a true and accurate copy of the foregoing document was sent by email and first-class mail, postage prepaid to the Ferreiras on August 20, 2009.

/s/ Joseph Calandrelli